

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

DEREK LEE

§
§
§
§
§

VS.

CIVIL ACTION NO. G-10-538

CREDIT MANAGEMENT, LP

§

ORDER ADOPTING
REPORT AND RECOMMENDATION

Before the Court is the December 27, 2011, Report and Recommendation from Magistrate Judge Froeschner which recommends that Plaintiff's Motion for Partial Summary Judgment be denied and Defendant Credit Management's Motion for Summary Judgment be granted in part and denied in part. (Dkt. No. 58). Both Plaintiff and Defendant filed timely objections to the Report and Recommendation. (Dkt. Nos. 64, 62).

As required by 28 U.S.C. § 636(b)(1)(C), this Court has given this matter *de novo* review and, after careful consideration of the Motions and the Objections of the parties to the Report and Recommendation, finds that the objections are without merit and that Judge Froeschner's findings and recommendations are well-grounded in law and fact.

Accordingly, it is hereby, **ORDERED AND ADJUDGED** that:

- 1) The Report and Recommendation of Magistrate Judge Froeschner is **ACCEPTED** and **ADOPTED**;
- 2) Plaintiff Derek Lee's Motion for Partial Summary Judgment (Dkt. No. 27) is **DENIED**; and
- 3) Defendant Credit Management's Motion for Summary Judgment (Dkt. No. 20) and Supplement (Dkt. No. 41), as deemed filed by the Court's Order (Dkt. No. 43), are

GRANTED as to the following: (a) Lee's FDCPA claims under § 1692e(10) and § 1692d; and (b) Lee's DTPA claims; but **DENIED** as to the following claims: (a) Lee's FDCPA claims under §1692a(2)(A) and § 1692(g)(a); (b) Lee's TDCPA claim; and (c) Lee's TCPA claim.

SIGNED at Houston, Texas, this 13th day of January, 2012.



Kenneth M. Hoyt
United States District Judge